



Entered on Docket
January 22, 2008

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for Debtors and Debtors-in-Possession

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:
USA COMMERCIAL MORTGAGE COMPANY,
Debtor.

Case No. BK-S-06-10725 LBR
Case No. BK-S-06-10726 LBR
Case No. BK-S-06-10727 LBR
Case No. BK-S-06-10728 LBR
Case No. BK-S-06-10729 LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,
Debtor.

Chapter 11

In re:
USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,
Debtor.

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:
USA CAPITAL FIRST TRUST DEED FUND,
LLC,
Debtor.

**ORDER GRANTING USA CAPITAL
REALTY ADVISORS, LLC'S MOTION
FOR SUMMARY JUDGMENT**

In re:
USA SECURITIES, LLC,
Debtor.

**(Affects USA Capital Realty Advisors,
LLC)**

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☒ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

Date of Hearing: December 20, 2007
Time of Hearing: 9:30 a.m.

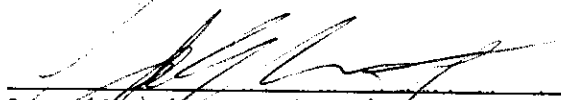
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1 USA Capital Realty Advisors, LLC's ("USA Realty") Motion for Summary Judgment (the
2 "Motion") having come before this Court on December 20, 2007 at 9:30 a.m.; Lenard E.
3 Schwartz, Esq. of Schwartz & McPherson Law Firm appearing for USA Realty, there being no
4 other appearances; the Court having found that proper notice was given to the parties in interest,
5 there being no opposition; the Court finding there is no issue as to any material fact and the
6 moving party is entitled to judgment as a matter of law and good cause appearing, it is

7 **ORDERED** that the Motion be, and hereby is, granted; and it is further

8 **ORDERED** that proofs of claim numbered 41 and 57 filed by the Margaret B. McGimsey
9 Trust in the amount of \$96,094.75 each; 42 and 56 filed by Sharon or Jerry McGimsey in the
10 amount of \$311,091.58 each; 43 and 55 filed by Johnny Clark in the amount of \$99,467.90 each;
11 and 44 and 54 filed by Bruce McGimsey in the amount of \$86,171.22 each are hereby disallowed.

12 Submitted by:

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19 and
20 Annette W. Jarvis, Utah Bar No. 1649
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26 Approved / Disapproved

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28 William L. McGimsey, Esq.
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1 In accordance with LR 9021, counsel submitting this document certifies as follows (check one):

2 ☐ The court has waived the requirement of approval under LR 9021.

3 ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.

4 ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any
unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each
has approved or disapproved the order, or failed to respond, as indicated below [list each party and
whether the party has approved, disapproved, or failed to respond to the document]:

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